

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAMES A STEPHENS, III,

Plaintiff

V.

Case No.: 2:07cv473-ID

CITY OF MONTGOMERY, ET AL,

Defendants.

**FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION
SUBMITTED BY PLAINTIFF TO DEFENDANTS**

COMES NOW the Plaintiff, James A. Stephens, III, and serves this, his First Set of Interrogatories and Requests for Production of Documents, to the Defendants to be answered separately, fully in writing and under oath pertaining to the Montgomery City Jail/Federal Jail (referred hereinafter as "Jail"), whether permanently or temporary housed pursuant to the Federal Rules of Civil Procedure.

INSTRUCTIONS AND DEFINITIONS

A. The terms "document" and "documents" include, but not limited to, papers, photographs, films, recordings, memoranda, books, records, accounts, communications, and all retrievable information in boxes, microfilm, computer or other form storage.

B. For purposes of interpreting or construing the scope of these interrogatories, the terms used shall be given their most expansive and inclusive interpretation. This includes, without limitation, the following:

1. Construing the terms “and” and “or” used in any interrogatories in the disjunctive of conjunctive, as necessary, to make the interrogatory more inclusive;
2. Construing the singular form of any word to include the plural and the plural form to include the singular;
3. Construing the past tense of the verb to include the present tense and the present tense to include the past tense;
4. Construing the masculine form to include the feminine form and the feminine form to include the masculine form;
5. Construing the term “date” to mean the exact date, month, and year if ascertainable; if not, the closest approximation that can be made by means of relationship to other events, locations, or matters;
6. Construing the term “person” to mean natural persons, associations, corporations, partnerships, government (or governmental agencies), quasi-public entities, proprietorships, joint ventures, trusts, estates, and all other forms of legal entities;
7. Construing the term “communication” to mean any form of verbal or written interchange, however transmitted;
8. Construing the term “Complaint” to mean the Complaint and each amendment thereafter filed in the cause; and
9. Construing the “Answer” to mean the Answer and each Amendment thereto filed in this cause.

INTERROGATORIES

INTERROGATORY NO. 1: State the amount of money paid to the City of Montgomery for housing inmates from any and all sources in the Jail.

INTERROGATORY NO. 2: How many years has there been a problem of overcrowding in the Jail, not based upon opinion, but based upon records (that will be provided to the Plaintiff and the Court in "Documents Requested")?

INTERROGATORY NO. 3: How long have Federal inmates been housed in the Jail, and how much money is paid to the City of Montgomery for the use of the Jail for federal inmates?

INTERROGATORY NO. 4: How often are hygiene items provided to inmates, and as part of your answer, include whether it is on a scheduled basis, such as time of day or night and where the items are placed?

INTERROGATORY NO. 5: What determines how an inmate(s) get a shower, brushing teeth, shaving, and other hygiene cleansing; and as part of your answer, if the inmates are ill, are they encouraged to get a shower, brush teeth, and shave, or are they left alone for an indefinite period?

INTERROGATORY NO. 6: What is the procedure, custom, rule, for the method of operation for inmates to obtain medication from home, pharmacy, treatment by a physician, and any and all other needed medical treatment?

INTERROGATORY NO. 7: When inmates are in the cells and are in need of talking to Jail personnel, how are the inmates able to communicate with the personnel, and as part of your answer state whether the inmates are generally ignored? State the procedure or custom for communication methods.

INTERROGATORY NO. 8: How is a decision made and who makes the decision when an inmate is placed in the overflow area, or temporary quarters, and how are the inmates treated in those quarters versus permanent quarters?

INTERROGATORY NO. 9: What type information, books, or law library is offered to inmates in need of information, and as part of your answer include communications regarding this matter to inmates?

INTERROGATORY NO. 10: Since the media stated on July 20, 2007 that the City of Montgomery is short staffed and low on funds with which to provide the necessary housing for inmate in the Jail, and that it could take at least 18 months to build a new facility, what is the source for the additional funds to correct the over-crowding issue, and how many days, months, and years has the new facility been in the planning process actively?

INTERROGATORY NO. 11: What was the reason for the media coverage, and the name and address of the person(s) responsible, or person(s) who authorized the coverage?

INTERROGATORY NO. 12: How many Jail staff is required to tend to the inmates at the Jail, and after the new facility is built, how many personnel will be required.

INTERROGATORY NO. 13: For a five-year period prior to the date of the Defendants' Answer to these Interrogatories, give the number of inmates, the names and addresses and dates of those who were injured, died and/or became ill during incarceration at the Jail.

INTERROGATORY NO. 14: Identify each and every person known who has or claims to have knowledge of any discoverable information relevant to any claims or defenses, identifying the subjects and substances of the information known by each respectively.

INTERROGATORY NO. 15: Identify each person who acted or acts to participate in the handling or supervision of Jail matters, identifying each act taken by each respective person.

INTERROGATORY NO. 16: Identify all proposed witnesses and in connection with each opinion witness identified, state the subject matter on which each witness is expected to testify, the substance of the facts on which the expert is to testify; the opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

INTERROGATORY NO. 17: Give the names of the person(s) responsible for moving inmates in and out of the Pods to other places when the Fire Marshall is scheduled to arrive and does in fact arrive.

DOCUMENTS REQUESTED

1. Provide documentation pertaining to the names and addresses of all those employed and responsible for the operation and management of the Jail, including but not limited to the City of Montgomery employees, but if applicable any Federal employees: (Example: From the Assistant Warden up to the Mayor, i.e., the chain of command.)

2. Provide documentation pertaining to the numbers of inmates who have been housed in the Jail for five years and the number of inmates per pod during that

period, as well as the number the jail can adequately house per rules and regulations during that period, i.e., the number per pod for which the Jail was built to accommodate.

3. Provide the records of the Fire Marshall for five years, in such a matter that the records can be compared to #2 above in the Interrogatories.

4. Provide the names and addresses of inmates who signed stating there was a major problem involving overcrowded inmates in the jail, and provide the location of those inmates currently.

5. Provide the records, rules, regulations, custom, City Code and/or Federal Code, i.e., a copy of any and all type codes, books, and manuals that govern the jail system.

6. Provide proof of telephone access for inmates located at the Jail, and if there is a distinction for temporary versus permanent inmates, provide the custom or procedure for determining when the permanent inmates have all been placed in lock-up status or should have been placed in lock-up status.

7. Provide proof of distribution of personal hygiene items to inmates, daily, weekly, and monthly, the rules and custom regarding hygiene methods and operations.

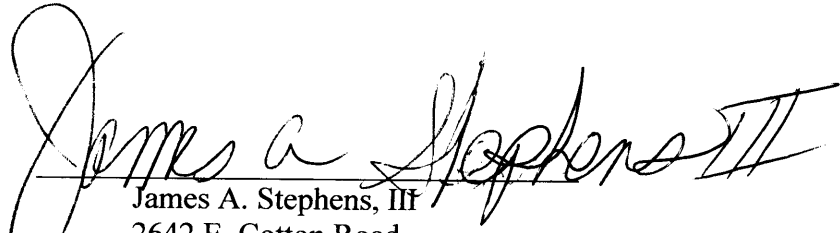
8. Provide records, rules, procedures, custom, and regulations for inmates to exit the Jail in the event of a natural or man-made disaster.

9. Provide the number of inmates who sleep on the bare floor without a mat or blanket, and how long this has been occurring.

10. Give the records, method, custom, or normal procedure for inmates getting a shower, brushing teeth, shaving, and other hygiene cleansing; and if the inmates are ill,

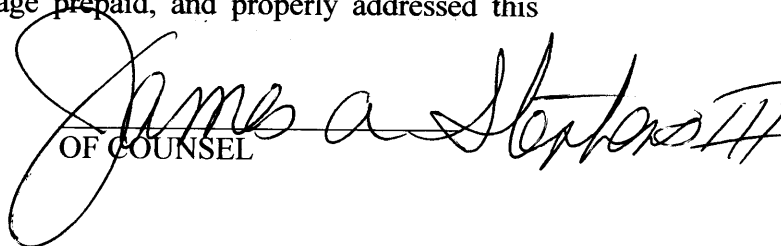
are they encouraged to get a shower, brush teeth, and shave, or are they left alone for days without a bath.

11. Provide records, normal procedure, custom, and method of operation for inmates to obtain medication from home or pharmacy, treatment by a physician, and any and all other needed medical treatment.


James A. Stephens, III
2642 E. Cotton Road
Eclectic, AL 36024
334/580-0058

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the Hon. Kimberly O. Fehl, City of Montgomery, 103 N. Perry Street, Montgomery, AL 36104 by placing same in the United States mail, postage prepaid, and properly addressed this 23rd day of July 2007.


OF COUNSEL

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RECEIVED

JAMES A STEPHENS, III

2007 AUG -2 P 4: 27

Plaintiff,

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

v.

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CITY OF MONTGOMERY, et al.,

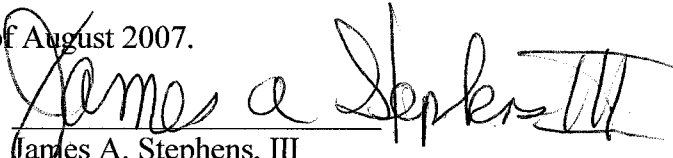
Defendant.

**MOTION FOR LEAVE TO SUBMIT INTERROGATORIES
PRIOR TO SCHEDULING CONFERENCE**

COMES NOW James Arthur Stephens, III, Plaintiff, in the above-styled case, and files this Motion for Leave to Submit Interrogatories prior to scheduling conference and would show the following:

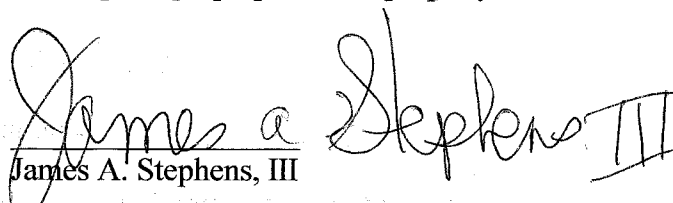
1. The Plaintiff requests permission to submit Interrogatories as provided for in Rules 26 and 33 of the Federal Rules of Civil Procedure.

RESPECTFULLY submitted this 1st day of August 2007.


James A. Stephens, III
2642 E. Cotton Road
Eclectic, Alabama 36024
(334) 580-0058

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and exact copy of the foregoing upon Hon. Kimberly O. Fehl, City of Montgomery, 103 N. Perry Street, Montgomery, Alabama 36104 by placing the same in the U.S. Mail, postage prepaid and properly addressed, on this 1st day of August 2007.


James A. Stephens, III